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11 Attorneys for Plaintiff

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 KIM SHELBY,

15 Plaintiff,

16 vs.

17 TUFAMERICA, INC.,

18 Defendants.

Case No.: CV15-5073-MMM-JEM
Hon. Margaret M. Morrow Presiding

**RESPONSE TO ORDER TO SHOW
CAUSE**

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21 TO THE HONORABLE COURT, ALL PARTIES, AND THEIR
22 ATTORNEYS OF RECORD:

23 Plaintiff respectfully submits this response to the Court's September 22, 2015
24 Order to Show Cause ("Order"). In the Order, the Court requests Plaintiff to show
25 cause for lack of prosecution against Defendant Tufamerica, Inc. Plaintiff responds as
26 follows:
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1 Plaintiff has been in contact with Kelly Talcott, counsel for Defendant
2 Tufamerica, Inc. The parties have been engaging in discussions to amicably resolve
3 the case, and Tufamerica has agreed to provide a sworn declaration as part of that
4 resolution. So owing, Plaintiff respectfully requests a three week extension of time to
5 respond to the Court's Order.

6 If the case has not been dismissed by Plaintiff or if Tufamerica fails to file an
7 answer by October 19, 2015, Plaintiff will request that the clerk enter default. In the
8 alternative, if the Court chooses to dismiss this action, Plaintiff respectfully requests
9 that it do so without prejudice.

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11 Respectfully submitted,

12 Dated: September 28, 2015

13 By: /s/ Frank Gregory Casella
14 Stephen M. Doniger, Esq.
15 Frank Gregory Casella, Esq.
16 DONIGER / BURROUGHS
17 Attorneys for Plaintiff
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